

REMARKS

The Final Office Action mailed May 27, 2010 has been received and reviewed. By the present Response and Amendment, Claims 2 and 49 are cancelled and Claims 1 and 50 are amended. No new matter is introduced.

Drawing Objections

The drawings are objected to. Applicant has amended independent Claim 1 and has cancelled Claim 49, such that all features of Claim 1 are believed to be shown in the drawing figures. Thus, it is respectfully requested that the Examiner withdraw the objection to the drawings.

Claim Rejections

Claims 1-14, 16, 18-21 and 23-50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,228,100 to Schraga in view of U.S. Patent No. 6,706,159 to Moerman et al. Applicant traverses this rejection as one of ordinary skill in the art would not be motivated to combine these references as suggested by the Examiner. For instance, the Examiner suggests that it would have been obvious to one of ordinary skill in the art to have included the plurality of testing means as taught by Moerman with the lancet device of Schraga. However, the device of Moerman and the device taught in Schraga are *substantially different* in how they operate such that the testing means of Moerman are incompatible with the lancet device of Schraga. It is inconceivable that one of ordinary skill in the art would have found it obvious—at the time the present invention was conceptualized—to utilize such features from Moerman with Schraga. There is simply no motivation, teaching, suggestion or otherwise to illicit the suggested combination.

In particular, Moerman teaches the use of lancets oriented in a downward direction (perpendicular to the carrier) so that when activated, an individual lacet pierces through a sensor disk and then the skin of a user. Column 8, Lines 19-44. Then, Moerman

teaches the need for a small vacuum pump to create suction to draw a sample vertically from the user's skin towards the now-pierced sensor disk. Colum 8, Lines 57-65. Thus, a read of Moerman clearly demonstrates that the vertical nature (perpendicular in relation to the carrier that houses the sensor disk) of the lancing stroke and lancet through a sensor disk and then a user's skin is critical to the success of the testing means. In stark contrast, the lancet device of Schraga operates individual lancets in a radial direction in relation to the carrier (i.e. parallel to the plane of the carrier). There is absolutely no teaching, suggestion, or motivation to combine a reference that relies on a lancet stroke that is perpendicular to the carrier that houses the testing means with a reference having a lancet stroke that is parallel to the plane of the carrier. Generally speaking, such a combination would be unlikely to yield satisfactory results, and with particular reference to this suggested combination—it would *not* yield a working embodiment.

Additionally, Applicant traverses this rejection because even if one of ordinary skill in the art was motivated to combine these references (which is not the case), the suggested combination would not yield all of the elements as presently claimed. Beyond the fact that the suggested combination would not yield a working device, the suggested combination does not teach, suggest, or disclose a blood analyzer that includes a plurality of testing means (or elements) and a plurality of pricking elements that are arranged on the same carrier as claimed in independent Claims 1 and 50. As briefly discussed above, Moerman specifically teaches that the lancets are vertically arranged above the “underlying” sensors and when activated, are driven through the sensor disk. Column 8, Lines 25-30 (“the point of the lancet 844 is directed towards the sensor disk 84”). Thus, Moerman teaches that the “pricking elements” and the “testing means” are arranged on separate carriers (in stark contrast to the claimed invention). The Examiner's assertion that element no. 85 of Moerman is a carrier which houses both the pricking elements and testing means is inaccurate—rather, 85 is merely a spacer ring that prevents blood from contacting more than one sensor contact.

Consequently, it would not be obvious for one of skill in the art to combine the teachings of Moerman with the teachings of Schraga. Additionally, neither Moerman nor Schraga teach all of the elements presently claimed in the pending application. Therefore, Applicant submits that the §103(a) rejection of Claims 1-14, 16, 18-21 and 23-50 is overcome.

Claims 15, 17 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,228,100 to Schraga in view of U.S. Patent No. 6,706,159 to Moerman, et al., and further in view of U.S. Patent No. 5,738,244 to Charlton et al. For the reasons above, the §103(a) rejection of Claims 15, 17 and 22, each dependent from Claim 1, is overcome.

CONCLUSION

In view of the amendments submitted herein and the above comments, it is believed that all grounds of rejection are overcome and that the application has now been placed in full condition for allowance. Accordingly, Applicant earnestly solicits early and favorable action. Should there be any further questions or reservations, the Examiner is urged to telephone Applicant's undersigned attorney at (770) 984-2300.

Respectfully submitted,

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